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June 29, 2016

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Via ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 240
New York, New York 10007

Re: *Clearlake Shipping Pte Ltd. v. O.W. Bunker (Switzerland) SA, et al.*,
U.S.D.C., S.D.N.Y., Docket No. 14 Civ. 9286 (VEC)

Dear Judge Caproni:

We write on behalf of interpleader Plaintiff Clearlake Shipping Pte Ltd (“Clearlake”), in the above-captioned matter. Further to Clearlake’s letter dated June 17, 2016 (Dkt. 108), Clearlake and ING Bank N.V. (“ING”) have been unable to reach settlement in this action with respect to the ultimate recovery by ING pursuant to the fuel delivery invoice issued by O.W. Bunker (Switzerland) SA which came due November 21, 2014, the same day the disputed funds were deposited into the Court registry in this interpleader action, thus, in our view, suspending any contractual interest due on the invoice.

Because the parties have been unable to settle this matter, and Clearlake having deposited an additional 6% interest component into the Court registry pursuant to Your Honor’s Memorandum Endorsement (Dkt. 110), Clearlake respectfully submits that this action is ripe for the filing of a Motion for Discharge by Clearlake from further liability under the fuel delivery invoice, which would also allow the parties remaining in the case to make whatever submissions they believe appropriate.¹

As Your Honor is aware, the four interpleader “test cases” at Case Nos. 14-cv-9287, 14-cv-9949, 14-cv-10091 and 15-cv-6718 are currently in the midst of a briefing schedule, with reply submissions to ING’s, NuStar Energy Services Inc.’s (“NuStar”) and O.W. Bunker USA Inc.’s (“O.W. USA”) motions for summary judgment due on July 22, 2016, and reply submissions to the respective interpleader plaintiffs’ motions for discharge and dismissal also

¹ On June 14, 2016, O.W. Bunker (Switzerland) SA was dismissed from the action (Dkt. 107). On June 24, 2016, O.W. Bunker USA Inc., O.W. Bunker North America Inc. and O.W. Bunker Holding North America Inc. (collectively, the “Debtors”) were dismissed from the action (Dkt. 111). Along with ING, Defendant-claimant Westoil Marine Services Inc. (“Westoil”) remains in the action and has filed an answer and has reserved its rights with regard to any amounts owing to it for the fuel delivery. (Dkt. 7).

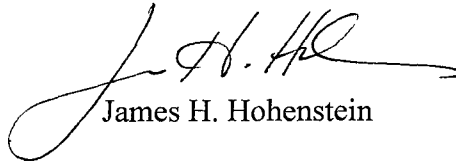
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due on July 22, 2016. As Your Honor may be aware, these papers have also at least partially addressed ING's right to contractual interest in interpleader and related issues.

Given the briefing schedule currently before Your Honor in the four "test cases," Clearlake respectfully requests this Court's guidance concerning the timing of filing a motion for discharge in the above-captioned action.

We thank the Court for its attention to this matter.

Respectfully submitted,



James H. Hohenstein

cc: Via ECF to all counsel of record